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DAN RASURE
WIND PUMP POWER, LLC
SUNFLOWER WIND, LLC

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * * * *

NEVADA CONTROLS, LLC, a Nevada
Limited Liability Company,

Plaintiff,

v.

WIND PUMP POWER, LLC, a Kansas
Limited Liability Company, SUNFLOWER
WIND, LLC, a Kansas Limited Liability
Company; DAN RASURE, an individual,

Defendants.

WIND PUMP POWER, LLC, a Kansas
Limited Liability Company,

Counterclaimant,

v.

NEVADA CONTROLS, LLC, a Nevada
Limited Liability Company,

Counterdefendant.

) Case No. 3-12-cv-00068-HDM-VPC

)

) **REPLY IN SUPPORT OF**
) **MOTION TO WITHDRAW AS**
) **COUNSEL FOR DEFENDANT**
) **SUNFLOWER WIND, LLC**

)

) **Judge Howard D. McKibben**

)

) **[LOCAL RULE IA 10-6]**

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COMES NOW, MARK A. GOODMAN, ESQ., of GOODMAN LAW CENTER,
P.C., and pursuant to Local Rule IA 10-6 of the Local Rules of Practice for the United

1 States District Court for the District of Nevada, and herewith submits his Reply in Support
2 of his Motion to Withdraw as Counsel for Defendant, SUNFLOWER WIND, LLC
3 (“Sunflower Wind”), upon the ground of conflict of interest.
4

5 **POINTS AND AUTHORITIES**

6 **I**

7 **MR. GOODMAN NOW HAS AN OBVIOUS CONFLICT OF INTEREST IN**
8 **REPRESENTING SUNFLOWER WIND.**
9

10 In its Opposition to Mr. Goodman’s Motion to Withdraw, Plaintiff, NEVADA
11 CONTROLS, LLC (“Nevada Controls”), perfunctorily argues that “[t]he reason for the
12 withdrawal is not clearly stated,...” Mr. Goodman strongly disagrees.

13 On the one hand, Mr. Goodman’s client, Defendant, DANIEL RASURE,
14 purportedly acting on behalf of Sunflower Wind, currently wishes to withdraw Sunflower
15 Wind’s March 23, 2012, Answer to Nevada Controls’ Complaint, and simply permit a
16 default judgment to be taken against Sunflower Wind.
17

18 On the other hand, David D. Swenson, Esq., acting on behalf of his clients Cynthia
19 Strnad and Jill Strnad, currently is demanding that Mr. Rasure: (1) “Resume and continue
20 to defend [Sunflower Wind] against the Complaint filed by [Nevada Controls]...”; (2)
21 Respond in a timely fashion to [Nevada Controls’] discovery requests”; and (3) “Seek to
22 obtain a dismissal of all of [Nevada Controls’] claims against [Sunflower Wind].”¹
23

24 Manifestly, Mr. Goodman cannot both obey Mr. Rasure’s wishes, by permitting a
25 default judgment to be taken against Sunflower Wind; and at one and the same time, obey
26

27
28 ¹Naturally, neither Mr. Swenson nor his clients has offered to pay for the rendition
of these legal services.

1 Mr. Swenson's wishes, by vigorously defending Sunflower Wind against Nevada
2 Controls' Complaint. As President Abraham Lincoln perceptively stated in his Second
3 Inaugural Address on March 4, 1865: "God cannot be *for*, and *against* the same thing at
4 the time."

5
6 Indeed, judging (1) from Mr. Swenson's April 5, 2013, letter; (2) from Mr.
7 Swenson's April 5, 2013, Demand for Actions; and (3) from the excerpt of the Deposition,
8 taken February 11-12, 2013, in a shareholder derivate action entitled "Cynthia Strnad and
9 Jill Strnad, Plaintiffs, vs. Sunflower Wind, LLC, Daniel Rasure and 3405 Building, LLC,
10 Defendants," in the District Court of Reno County, Kansas, Case No. 2012-CV-202, which
11 Mr. Swenson has attached to his April 5, 2013, letter, Mr. Goodman is no longer certain
12 that he has authority to represent Sunflower Wind in the instant case.
13

14 **CONCLUSION**

15
16 Accordingly, it is respectfully requested that this Court issue an Order relieving
17 MARK A. GOODMAN, ESQ., as attorney of record for Defendant, SUNFLOWER
18 WIND, LLC, in this case.

19 **RESPECTFULLY SUBMITTED, Tuesday, June 04, 2013,**

20 **GOODMAN LAW CENTER**

21
22 **/s/MARK A. GOODMAN, ESQ.**

23 Attorney for Defendant,
24 SUNFLOWER WIND, LLC
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an agent of GOODMAN LAW CENTER, P.C., and that I caused a true and correct copy of **REPLY IN SUPPORT OF MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT SUNFLOWER WIND, LLC** to be served by:

☐ (BY MAIL) on all parties in said action, by placing a true copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth below. At the Law Offices of Goodman Law Center, P.C., mail placed in that designated area is given the correct amount of postage and is deposited that same date in the ordinary course of business, in a United States mailbox in the City of Reno, County of Washoe, Nevada.

☐ (BY PERSONAL DELIVERY) by causing a true copy thereof to be hand delivered this date to the addressee(s) at the address(es) set forth below.

☐ (BY FACSIMILE) on the parties in said action by causing a true copy thereof to be telecopied to the number indicated after the address(es) noted below.

☐ Federal Express or other overnight delivery

☐ Reno/Carson Messenger Service

addressed, as follows:

Leigh Goddard, Esq.	via this Court's ECF system
Jessica Woelfel, Esq.	
McDonald Carano Wilson LLP	
100 West Liberty Street, 10th Floor	
Post Office Box 2670	
Reno, Nevada 89505-2670	

DATED: Tuesday, June 04, 2013.

/s/ Paula Rodriguez

PAULA RODRIGUEZ, CLA
Legal Assistant to Mr. Goodman